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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,007	06/29/2000	Thomas P. Hardjono	120-147	7322
34845	7590	11/19/2008		
Anderson Gorecki & Manaras LLP				
33 NAGOG PARK				
ACTON, MA 01720				
EXAMINER				
CHOUDHURY, AZIZUL Q				
ART UNIT		PAPER NUMBER		
2445				
NOTIFICATION DATE		DELIVERY MODE		
11/19/2008		ELECTRONIC		

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/607,007  
Filing Date: June 29, 2000  
Appellant(s): HARDJONO ET AL.

\_\_\_\_\_  
Holmes Anderson  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 23, 2008 appealing from the Office action mailed March 24, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-8, 10-16, 18-25, 27-28, 31-45, 47-61, 63-68, 70-75, 77-87, 89-105, 108-128 and 131-144 are pending.

Claims 9, 17, 26, 29-30, 46, 62, 69, 76, 88, 106-107, 129-130 and 145-152 been canceled.

This appeal involves claims 1, 16, 28, 40, 61, 68, 75, 87, 99 and 122.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,748,736	MITTRA	5-1998
6,088,451	HE et al	7-2000
5,682,478	WATSON et al	10-1997

## **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-25, 27-28, 31-45, 47-61, 63-68, 70-75, 77-87, 89-105, 108-128, and 131-144 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mittra (US Pat No: US005748736A) in view of He et al (US Pat No: US006088451A) and in further view of Watson (5,682,478), hereafter referred to as Mittra, He and Watson, respectively.

1. With regards to claims 1, 16, 28, 40, 61, 68, 75, 78, 87, 99, 113, 122, Mittra teaches through He and Watson, a communication system comprising:
  - a plurality of multicast devices forming a shared multicast distribution tree; a host device; a key server; *(Mittra discloses a multicast network wherein; any member of the multicast network may be a sender or a receiver (column 4, lines 5-19))* and
  - a designated device, separate from the key server, through which the host device requests access to the shared tree associated with a group *(Mittra's design allows the network to be a tree architecture (column 6, lines 1-19). In addition, Mittra discloses that if desired, separate key distribution centers (KDC, equivalent to the claimed key server) are also usable (column 4, lines 53-54, Mittra))*, wherein:

- the host device obtains access information from the key server for the host device to enable the host device to request access the shared tree associated with the group, the access information including authentication information unique to the host device/group pair, the authentication information including an access token comprising a host identifier, a token identifier and an authentication key for authenticating the host with the designated device *(There exists a device in Mittra's design (the GSC) that maintains group membership information and hence authenticates hosts and receivers in the multicast network (column 7, line 64 – column 8, line 10). Furthermore, it is inherent that authentication for each host device must be unique as claimed. This is because certificates apply public key cryptographic algorithms and public key algorithms require unique data for each user to be authenticated. During authentication, the access information must contain an id of some form to distinguish it; hence a member identifier inherently must be present. Mittra discloses the use of a member id that is equivalent to the claimed host identifier (column 7, lines 52-54). In addition, keys are present in Mittra's design and are deemed equivalent to the claimed authentication keys. As for the token ID, this is taught by He);*
- the designated device obtains the access information associated with the host device/group pair from the key server for enabling the host device to access the shared tree; the host device sends an access control message to the designated device to join the shared tree; and the designated device uses the access information to authenticate the host device before adding the host device to the shared tree, including using the token identifier to obtain a group identifier and authentication key from memory in order to verify authentication of the host device *(Mittra discloses that if desired, separate key distribution centers (KDC, equivalent to the claimed key server) are also usable (column 4, lines 53-54, Mittra). The process of host authentication in networks (including multicast networks) is a standard set by the IGMP version 2 protocol. Mittra discloses the methods by which devices may request and gain access to a multicast network by communicating (sending and receiving of data by the devices) with an authentication host (the GSC). Finally, Mittra's disclosure teaches that*

*certificates expire and new ones are created and sent with messages (column 11, lines 39-42, Mittra) (expiration of certificates is equivalent to the key expiration date of claim 145). It is obvious that since the certificate expiration is noticed and new certificates are sent, that the claimed access information comprising expiration date information is also present within Mittra's design. While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices nor does Mittra disclose the use of tokens).*

*In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He).*

*However, He does not explicitly teach using a token to obtain a group id and authentication key. In the same field of endeavor, Watson teaches how tokens in network can be constructed from identification and authentication information (see column 3, lines 25-27, Watson). While the identification information within the Watson design is for a user, Mittra teaches the use of group ids.*

*Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He and Watson, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He).*

2. With regards to claim 2, Mittra teaches, a communication system wherein the key server includes logic for authenticating the host device and generating the access information for the host device to access the shared tree

*(Servers are simply devices that are able to fulfill requests made by client machines. Mittra's design contains GSCs which act as servers. It is with the GSC that members of the multicast network (including the hosts) authenticate themselves with keys (column 7, line 64 – column 8,*

*line 10). Since authentication occurs, it is obvious that the logic to do so is present as well, as claimed).*

3. With regards to claims 3, 20, 64 and 71, Mittra teaches, a communication system wherein the key server provides the access information to the host device over a secure communication channel

*(A communication system is able to be a method, computer program and an apparatus. The networks of Mittra's design uses secure channels (column 8, lines 3-10)).*

4. With regards to claims 4, 23, 65 and 72, Mittra teaches, a communication system wherein the key server provides the access information to the designated device using a unicast distribution mechanism

*(A communication system is able to be a method, computer program and an apparatus. Mittra's design allows for both unicast and multicast (column 6, lines 1-19)).*

5. With regards to claims 5, 24, 66 and 73, Mittra teaches, a communication system wherein the key server provides the access information to the designated device using a multicast distribution mechanism

*(A communication system is able to be a method, computer program and an apparatus. Mittra's design allows for both unicast and multicast (column 6, lines 1-19)).*

6. With regards to claims 6, 25, 67 and 74, Mittra teaches, a communication system wherein the key server provides the access information to the designated device using a broadcast distribution mechanism

*(A communication system is able to be a method, computer program and an apparatus. Mittra's design allows for multicast networks (column 6, lines 1-19), which is a broadcast network.*



*Furthermore, Mittra discloses that any network may be used for the design (column 4, lines 60-61)).*

7. With regards to claim 7 Mittra teaches through He, a communication system wherein the designated device requests the access information from the key server upon receiving the access control message

*(A communication system is a method. A device that requires authentication will need authentication with the key server (GSC) and hence the two must communicate with each other (column 8, lines 3-14). While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices. In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

8. With regards to claim 8, Mittra teaches, a communication system wherein the key server provides the access information to the plurality of multicast devices forming the shared tree

*(The GSC (key server) of Mittra's design maintains all the group membership information (column 7, line 64 – column 8, line 2)).*

9. With regards to claims 10, 37, 47, 77, 84, 89 and 96, He teaches, a communication system wherein the access information comprises: a token identifier in the access control message

*(He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He).*

10. With regards to claims 11, 38, 85 and 97, Mittra teaches, a communication system wherein the access control message is an Internet Group Management Protocol (IGMP) join request including the token identifier

*(A communication system is able to be an apparatus, computer program and a method. Mittra's design performs authentication (column 8, lines 3-10). During authentication, the access information must contain an id of some form to distinguish it; hence a token identifier must be present. Mittra discloses the use of a member id that is equivalent to the claimed token identifier (column 7, lines 52-54). In addition, Mittra's design allows for the use of any network (column 4, lines 60-61) hence, any protocol that functions with the network chosen is acceptable).*

11. With regards to claim 12, Mittra teaches, a communication system wherein the designated device joins the shared tree on behalf of the host device upon authenticating the host device

*(All devices to enter the multicast in Mittra's design must be authenticated since all devices are able to be receivers and senders (column 8, lines 3-10)).*

12. With regards to claim 13, Mittra teaches, a communication system wherein the shared tree is a Protocol Independent Multicast (PIM) shared tree, and wherein the designated device sends a PIM join request upstream toward a rendezvous point device in order to join the shared tree on behalf of the host device upon authenticating the host device

*(Mittra's design allows for any network to be used and hence any protocol as well (column 4, lines 60-61)).*

13. With regards to claims 14, 15 and 58, Mittra teaches, a communication system wherein the designated device forwards the access control message to a neighboring device upon failing to authenticate the host device using the access information

*(A communication system is a method. Since each member of Mittra's multicast is both a receiver and a sender, each needs to be informed constantly what members are present. Otherwise, the multicast would be unable to distribute data properly).*

14. With regards to claims 18, 36, 48, 50, 83, 95, 108 and 131, He teaches, a method wherein the access information further comprises an expiration date for the access token

*(He teaches the use of token and teaches how tokens have to be used within a short period of time before they are replaced (equivalent to expire); see column 30, lines 16-17, He).*

15. With regards to claim 19, Mittra teaches, a method wherein the access information further comprises a public key

*(The access information is used during authentication. During authentication, keys (no limitation was made on what type of key) are used between the two authenticating parties (column 8, lines 3-10)).*

16. With regards to claim 21, Mittra teaches, a method wherein the communication message is a group key management communication message

*(The authentication process occurs between a device and the GSC in Mittra's design (column 8, lines 3-10). The GSC maintains group key management and hence the communication message is a group key management communication message).*

17. With regards to claim 22, Mittra teaches, a method wherein sending the access information to the designated device for the host device comprises: sending a communication message

including the access information to the designated device over a secure communication channel  
(*Mittra's design uses secure channels (column 8, line 3)*).

18. With regards to claims 27 and 109, Mittra teaches through He, a method wherein the access token comprises: a group identifier for identifying a multicast group; a host identifier for identifying the host device; an expiration date for the access token; a server identifier for identifying a key server; and a public key for the key server

*(An apparatus is able to be a method. Mittra's design performs authentication (column 8, lines 3-10). During authentication, the access information must contain ids of some form to distinguish it; hence a token identifier along with ids for other parameters must be present. Mittra's disclosure teaches that certificates expire and new ones are created and sent with messages (column 11, lines 39-42, Mittra) (expiration of certificates is equivalent to the key expiration date of claim 145). It is obvious that since the certificate expiration is noticed and new certificates are sent, that the claimed access information comprising expiration date information is also present within Mittra's design. While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices. In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

19. With regards to claims 31 and 90, Mittra teaches through He, a method further comprising:  
generating authentication information using the access information; and sending the authentication information to the designated device

*(A computer program is a method. Mittra's design performs authentication (column 8, lines 3-10). During authentication, the claimed steps inherently must be performed. In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

20. With regards to claims 32, 53, 79, 91, 114 and 137, Mittra teaches, a method wherein generating the authentication information using the access information comprises generating a digital signature using the access information and a predetermined digital signature scheme

*(An apparatus and computer program are able to be a method. Mittra's design has authentication means (column 8, lines 3-10). In authentication, it is very common to use digital signature schemes and hashes. Mittra as to what form of authentication to perform provides no limitation).*

21. With regards to claims 33, 54, 80, 92, 115 and 138, Mittra teaches, a method wherein the predetermined digital signature scheme comprises a keyed hash function

*(An apparatus and computer program are able to be a method. Mittra's design has authentication means (column 8, lines 3-10). In authentication, it is very common to use digital*

*signature schemes and hashes. Mittra as to what form of authentication to perform provides no limitation).*

22. With regards to claims 34, 55, 81, 93, 116 and 139, Mittra teaches, a method wherein the keyed hash function comprises IPsec AH with Keyed-Hashing for Message Authentication using Message Digest 5 (HMAC-MD5).

*(An apparatus and computer program are able to be a method. Mittra's design has authentication means (column 8, lines 3-10). In authentication, it is very common to use digital signature schemes and hashes. Mittra as to what form of authentication to perform provides no limitation).*

23. With regards to claims 35, 56, 82, 94, 117 and 140, Mittra discloses, a method wherein the keyed hash function comprises IP with Keyed-Hashing for Message Authentication using a Secure Hash Algorithm (HMAC-SHA-1)

*(An apparatus and computer program are able to be a method. Mittra's design has authentication means (column 8, lines 3-10). In authentication, it is very common to use digital signature schemes and hashes. Mittra as to what form of authentication to perform provides no limitation).*

24. With regards to claims 39, 86, 98, 121 and 144, Mittra teaches through He, a method further comprising: establishing a security agreement with the designated device using the access information

*(An apparatus and computer program are able to be a method. Mittra's design uses secure communication (column 4, lines 5-19). Security agreements must be set during secure communication. While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices. In the same field of endeavor, He teaches a network access*

*design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

25. With regards to claims 41 and 123, Mittra teaches, a method further comprising: obtaining the access information for the host device

*(A computer program is a method. Mittra's design performs authenticating between devices and the GSC (column 4, lines 5-19) (column 8, lines 3-10). During the authentication process the obtaining of the access information as claimed inherently must be performed).*

26. With regards to claims 42, 43, 100, 101, 102, 124 and 125, Mittra teaches, a method wherein obtaining the access information for the host device comprises: receiving the access information from an access information server prior to receiving the access control message from the host device

*(An apparatus and computer program are methods. Mittra's design has a GSC that maintains information about the access and authentication information regarding all the devices within the network (column 7, line 64 – column 8, line 2). No limitation was set regarding when data would be obtained by the GSC).*

27. With regards to claims 44, 45, 57, 103, 104, 105, 118, 119, 126, 127, 128, 133, 134, 141 and 142, Mittra teaches through He, a method wherein determining whether the host device is authorized to access the shared tree comprises: maintaining an access information database; searching the access information database for the access information for the host device; failing

to find the access information for the host device in the access information database; and determining that the host device is not authorized to access the shared tree

*(An apparatus is a method. Authentication is performed by Mittra's design (column 8, lines 3-10). In addition, all the steps claimed are normal during authentication. Furthermore, the GSC in Mittra's design handles all the group information as claimed (column 7, line 54 – column 8, line 2). While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices. In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

28. With regards to claims 49, 51, 110, 111, 120, 132, 135, 136 and 143, Mittra teaches through He, a method wherein determining whether the host device is authorized to access the shared tree comprises: determining that the authentication key has expired based upon the expiration date for the authentication key; and determining that the host device is not authorized to access the shared tree; authenticating the host device using the access information and a predetermined authentication scheme; and determining whether the host device is authorized to access the shared tree based upon authenticating the host device using the access information and the predetermined authentication scheme

*(An apparatus is able to be a method. The claimed steps are known steps during authentication that must be performed. Mittra's design performs authentication (column 8, lines 3-10). In addition, Mittra's design further allows for the network to be of a tree form (column 4,*



*lines 20-25). While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices. In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

29. With regards to claims 52 and 112, Mittra teaches, a method wherein authenticating the host device using the access information and the predetermined authentication scheme comprises: receiving authentication information from the host device; and authenticating the host device based upon the access information and the authentication information received from the host device

*(An apparatus is able to be a method. Mittra's design performs authentication (column 8, lines 3-10). In addition, the steps claimed, inherently must occur for the authentication process to function properly).*

30. With regards to claim 59, Mittra teaches, a method wherein determining whether the host device is authorized to access the shared tree based upon authenticating the host device using the access information and the predetermined authentication scheme comprises: determining that authentication succeeded; and determining that the host device is authorized to access the shared tree

*(Mittra's design performs authentication (column 8, lines 3-10). In addition, the steps claimed, inherently must occur for the authentication process to function properly).*

31. With regards to claim 60, Mittra teaches, a method further comprising: establishing a security association with the host device using the access information upon determining that the host device is authorized to access the shared tree

*(Mittra's design performs authentication (column 8, lines 3-10). In addition, the steps claimed, inherently must occur for the authentication process to function properly).*

32. With regards to claims 63, 70 Mittra teaches through He, an apparatus wherein the access token comprises: a group identifier for identifying a multicast group; a host identifier for identifying the host device; an expiration date for the authentication key; a server identifier for identifying a key server; and a public key for a key server

*(A communication system and a communication message are able to be a method, computer program and an apparatus. Mittra's design performs authentication (column 8, lines 3-10). During authentication, the access information must contain ids of some form to distinguish it; hence a token identifier along with other identifiers must be present. The presence of identifiers is obvious due to the fact that data is being transferred in between multiple devices and for a variety of reasons. The only way to ensure that such processes function properly is to possess all the identifiers claimed. And, for an authentication to function properly, it obviously must possess an expiration method of some form. While, Mittra discloses a design with a device (the GSC) that functions as an authentication device as well as an access device, Mittra does not teach physically independent authentication and access devices. In the same field of endeavor, He teaches a network access design. Within the design, He teaches how the concept of physically separate authentication and access devices existed (Figure 2, He). In addition, He also teaches the use of tokens wherein the token ID must be entered to fulfill authentication needs (column 30, lines 8-27, He). Tokens refresh after a short period of time and this is equivalent to expiring. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Mittra with those of He, to provide the*

*necessary security mechanisms that can effectively control access to network elements and hence protect network resources and information (column 1, lines 55-59, He)).*

33. The obviousness motivation applied to claims 1, 16, 28, 40, 61, 68, 75, 78, 87, 99, 113, 122 and 145 are applicable to all their respective dependent claims.

**(10) Response to Argument**

The applicant has two point of contention, the following are the examiner's response to these arguments.

Argument A: Applicant argues that the claim language claims a key server authenticating the host and the designated device (supposedly a router according to applicant) verifies the key server has authenticated the host. Applicant states that the prior arts fail to teach such a limitation.

Reply: The prior art Mittra teaches a key distribution center which is equivalent to the claimed key server. As for the designated device that verifies that the key server has authenticated the host, Mittra teaches a GSC which is a group server (column 7, line 64 - column 8, line 14, Mittra). The GSC handles the authentication of the key on behalf of multiple member nodes with the key distribution center (see column 4, lines 45-56 and column 7, lines 28-39, Mittra). The GSC routes the messages to its member nodes.

Argument B: The applicant argues that official notice is improperly taken because the examiner used inherency. The applicant is equating inherency to official notice is alleging that documentary evidence is required when challenged and the applicant is challenging the official notice.

Reply: The examiner in fact used inherency not official notice. Inherency is applied when a feature must exist in order for the claimed invention to work. The actual explanation provided to applicant regarding why the claimed authentication for each host device must be unique is as follows:

Furthermore, it is inherent that authentication for each host device must be unique as claimed. This is because certificates apply public key cryptographic algorithms and public key algorithms require unique data for each user to be authenticated. During authentication, the access information must contain an id of some form to distinguish it; hence a member identifier inherently must be present.

Hence since in authentication requires unique IDs for each device (as explained above), inherency was applied (not official notice as alleged by applicant).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Azizul Choudhury/

Examiner, Art Unit 2445

Conferees:

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2445

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Supervisory Patent Examiner, Art Unit 2441